HD

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,937	11/13/2001	Pedro S. Baranda	OT-4986;60,469-054	5631

64779 7590 07/05/2007

CARLSON GASKEY & OLDS
400 W MAPLE STE 350
BIRMINGHAM, MI 48009

EXAMINER	
CHARLES, MARCUS	

ART UNIT	PAPER NUMBER
3682	

MAIL DATE	DELIVERY MODE
07/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/010,937	BARANDA ET AL.	
	Examiner	Art Unit	
	Marcus Charles	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,14-24 and 26-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 14-24, and 26-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the Appeal Brief filed 2-12-2007, which has been entered. Claims 1-9, 14-24 and 26-42 are currently pending.

Reopen Prosecution

1. In view of the Appeal Brief filed on 02-21-2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-4, 9, 15-16, 20, 24, 28-37, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. (2,740,459). WO (01-14630) discloses an elevator belt (22) comprising a plurality of cords (28, 30) aligned parallel to the longitudinal axis; a jacket (26) made from urethane over the cords, the jacket includes a generally smooth surface. WO (01-14630) does not disclose the cords are tensioned individually while applying the jackets. Kilborn et al. discloses a belt comprising a plurality of cords, which are tension individually in order to keep the belt perfectly aligned thus decreasing the efficiency of the belt (col.1, lines 34-64). Therefore, it would have been obvious to one of ordinary skill in the art to modify the belt of WO (01-14630) so that each cord is tensioned individually with a selected

tension in view of Kilborn et al. in order to keep the belt perfectly aligned thus increasing the efficiency of the belt.

In claims 3 and 4, it is apparent that the tension on each cord would be adjusted to be consistent with the desired configuration.

In claim 9, it is apparent that a cooling operation would be carried out after the jacket has been applied.

Regarding claims 15-16, it is apparent that the method and process steps would be inherently included during the manufacturing of WO (01-14630) and Kilborn et al. device.

In claim 19, note WO (01-14630) clearly discloses the clamed invention including the cords 28 comprises steel.

In claim 20, it is apparent that the method step would be inherently included during the manufacturing of WO (01-14630) in view of Kilborn et al.

In claim 24, the method steps are inherently included in WO (01-14630) discloses the use of polyurethane as a common coating (jacket) for the tensile cords.

In claims 28, 32 and 36 it is apparent that the cords will inadvertently move while applying the jacket to the cord. Note, applicant discloses that it is well know for the cord to move during application of the jacket.

In claims 29-33, 35 and 37, WO (01-14630) and Kilborn et al. inherently discloses the claimed invention.

In claims 34 and 38, it is apparent that the tension forces will be the same on both sides of the applicator because the tension forces will be the same as the reaction forces on the opposite side.

In claims 40 and 42, it is apparent that the cords of in WO (01-14630) are inherently the same construction.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of Nassimbene (2,194,833). Neither WO (01-14630) nor Kilborn et al. disclose the cords having different tensioning. Nassimbene discloses a belt having unequal tension in the cords (see col.1, lines 32-36) in order to increase the strength of the belt at the middle to overcome increased load concentration. Therefore, it would a have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of WO (01-14630) so that the cords have unequal tensioning as disclose by Nassimbene in order to increase the strength of the belt at the middle to overcome the are of increase load concentration.

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of O'Donnell et al. (US 2003/0024770). WO (01-14630) discloses that the jacket is made from urethane but do not disclose the urethane is a waxless urethane. The used of urethane is equivalent to polyurethane and one can be substitute for the other. O'Donnell et al. discloses a polyurethane material free of wax in order ensure better friction. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to further modify the jacket of WO (01-14630) so that it is made from waxless urethane in view of O'Donnell et al. in order to ensure better friction, provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of Tsai (6,727,433). WO (01-14630) and Kilborn et al. do not disclose the molding device having an opening with a non-linear configuration. Tsai disclose a molding device (70) having an opening from which the molded belt of cable is extruded and the surface of the opening is not linear. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of WO (01-14630) so that the has belt is molds from a mold having non-linear openings in view of Tsai reduce the material of the jacket without compromising the strength of the belt and to provide a belt with non-slipping surface features.

7. Claims 14 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) In view of O'Donnell et al. WO (01-14630) discloses the claimed invention above but does not disclose the polyurethane is waxless polyurethane. O'Donnell et al. discloses a polyurethane material free of wax in order ensure better friction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the jacket of WO (01-14630) so that it is made from waxless urethane in view of O'Donnell et al. in order to ensure better friction,

provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

In claim 41, it is apparent that the cords of in WO (01-14630) are inherently the same construction.

8. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of O'Donnell et al. WO (01-14630) discloses the claimed invention above but does not disclose the polyurethane is waxless polyurethane. The used of urethane is equivalent to polyurethane and one can be substitute for the other. O'Donnell et al. discloses a polyurethane material free of wax in order ensure better friction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the jacket of WO (01-14630) so that it is made from waxless urethane in view of O'Donnell et al. in order to ensure better friction, provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

Regarding claim 18, the process of applying the fluid is inherently included during the manufacturing of WO (01-14630) device.

9. Claims 21-23, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view of O'Donnell et al. WO (01-14630) discloses the claimed invention above but does not disclose the polyurethane is waxless polyurethane. The used of urethane is equivalent to polyurethane and one can be substitute for the other. O'Donnell et al. discloses a polyurethane material free of wax in order ensure better friction. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to further modify the jacket of WO (01-14630) so that it is made from waxless urethane in view of O'Donnell et al. in order to ensure better friction, provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

In claims 22-23 and 27, the method steps are inherently included during the manufacturing of over WO (01-14630) in view of O'Donnell et al. device

Claims 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) In view of O'Donnell et al. as applied to claim 24 above, and further in view of Pitts et al. (2003/0069101). WO (01-14630) In view of Harper does not disclose the application of the jacket is continuously and uninterrupted. Pitts et al. disclose the claimed invention in order to create a uniform surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the device of WO (01-14630) so that the process is carried continuously and uninterrupted in view of Pitts et al. in order to create a uniform surface.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Supervisor's Approval
Richard Ridley

Marcus Charles
Primary Examiner, Art Unit 3682
June 23, 2007